

REMARKS

Claims 1-16 have been examined. Claims 1-5, 8-12, 15 and 16 have been rejected under 35 U.S.C. § 102(e) and claims 6, 7, 13 and 14 have been rejected under 35 U.S.C. § 103(a).

Rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-5, 8-12, 15 and 16 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,209,424 to Fischer et al. ("Fischer").

A. Claims 1, 9 and 16

In the April 13, 2005 Amendment, Applicant argued that Fischer fails to teach or suggest that the recessed portion 64 has a protruding portion that extends in a substantially perpendicular direction from the bottom surface of the recessed portion. Rather, Applicant noted that Fischer merely discloses that the bottom surface of the recessed portion 64 is curved or sloped towards the edges 66, and fails to teach any additional "protruding portion" which extends, in a substantially perpendicular direction, from the curved or sloped surface.

In the current Office Action, the Examiner maintains that the *central* portion of the recessed portion 64 of Fischer discloses the claimed protruding portion (pg. 4 of Office Action). However, since the curved surface of the entire central portion of the recessed portion 64 *protrudes*, the central portion does not also substantially "surround" a label region on which a label is adhered, as recited in claim 1. Applicant refers the Examiner to the non-limiting embodiments of Figures 5 and 9 of the present invention in this regard.

B. Claims 2, 3, 5, 8-10, 12 and 15

Since claims 2, 3, 5, 8-10, 12 and 15 are dependent upon one of claims 1 and 9, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 4 and 11

Applicant submits that claims 4 and 11 are patentable over the cited reference at least by virtue of their dependency.

In addition, claims 4 and 11 recite that the protruding portion is formed of a plurality of protruding members.

The Examiner maintains that the alleged protruding portion of Fischer, i.e., the curved or sloped bottom surface of the recessed portion 64, discloses the claimed features. However, even if Applicant assumes *arguendo* that the bottom surface of the recessed portion 64 discloses a type of protruding portion by virtue of its slope or curve, the bottom surface merely discloses one member, i.e., the single surface having a slope. The single sloped surface does not disclose a “plurality” of protruding members. Thus, Applicant submits that claims 4 and 11 are patentable over the cited reference. Applicant specifically requests the Examiner to point out where more than one surface or “protruding portion” is provided in the respective recessed portion 64 of Fischer if the rejection is to be maintained.

Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6, 7, 13 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischer in view of Morita et al. (“Morita”).

Amendment under 37 C.F.R. § 1.114(c)
U.S. Application No. 10/670,369

Since claims 6, 7, 13 and 14 are dependent upon one of claims 1 and 9, and Morita fails to cure the deficient teachings of Morita, in regard to claims 1 and 9, Applicant submits that claims 6, 7, 13 and 14 are patentable at least by virtue of their dependency.

Newly Added Claims

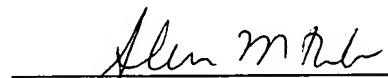
Applicant has added new claims 17-19 to provide more varied protection of the present invention. Applicant submits that such claims are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 11, 2005